

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1069**

---

**Introduced by Assembly Member Monning**

February 27, 2009

---

*An act to amend Sections 5265 and 5776 of the Food and Agricultural Code, relating to plant pests.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1069, as amended, Monning. Plant pests: ~~light brown apple moth~~. eradication: pesticide use: notice.

*Existing law requires the Department of Food and Agriculture to, among other things, establish a telephone hotline for the public to report adverse health consequences and a process to evaluate and respond to adverse health consequences, if the department determines that an invasive pest has entered the state and an urban aerial application of a pesticide or a communitywide ground application of a pesticide is the selected response.*

*This bill would require the telephone hotline number to be toll free and staffed by public health personnel familiar with the pesticide being applied. The bill would require the public health personnel to do certain things with respect to callers complaining of adverse health consequences.*

*Existing law authorizes the Secretary of Food and Agriculture, by regulation, to proclaim any area within the state an eradication area with respect to a pest, prescribe the boundaries of the area, and name the pest or hosts of the pest that are known to exist within the area, together with the means or methods that are to be used to eradicate or control the pest. The secretary or county agricultural commissioner,*

*when the secretary proclaims an eradication project in an urban area, is required to, among other things, notify residents and physicians practicing in the area, and the local broadcast and print media, before aerially applying a pesticide to effect the eradication. The notice is required to contain specified information, including a telephone number and address of public health personnel who are familiar with the eradication program.*

*This bill would instead require the telephone number on the notice to be a toll-free telephone hotline number and would provide that the telephone hotline number shall be for the public to report adverse health consequences and a medical process to evaluate and respond to adverse health consequences, as specified.*

~~Existing law, the Light Brown Apple Moth Act of 2007, creates the Light Brown Apple Moth Program in the Department of Food and Agriculture and the Light Brown Apple Moth Account in the Department of Food and Agriculture Fund, from which the department is authorized to allocate funds to local agencies for activities to eradicate the light brown apple moth.~~

~~This bill would declare the Legislature's intent to enact legislation that would address the problems associated with the light brown apple moth.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 5265 of the Food and Agricultural Code*
- 2     *is amended to read:*
- 3     5265. If the department determines that an invasive pest has
- 4     entered the state, and an urban aerial application of a pesticide, or
- 5     a communitywide ground application of a pesticide, is the selected
- 6     response, the department shall do all of the following:
- 7     (a) Notify the governing boards of affected cities and counties
- 8     and their agricultural commissioners and health officers.
- 9     (b) Notify the public of all of the following:
- 10    (1) The existence of the invasive pest.
- 11    (2) The consequences of not eradicating, controlling, or
- 12    managing the invasive pest.

1 (3) The active ingredient and inert material of the pesticide, to  
2 the extent that the disclosure of the inert material is permitted by  
3 state and federal law.

4 (4) The method or methods of applying the pesticide.

5 (5) The implications of the use of the pesticide and the inert  
6 materials on human health, domestic animals, fish and wildlife,  
7 and the environment.

8 (c) Hold public hearings in areas subject to aerial application  
9 of the pesticide or communitywide ground application of the  
10 pesticide.

11 (d) Establish a telephone hotline for the public to report adverse  
12 health consequences and a process to evaluate and respond to  
13 adverse health consequences. *The telephone hotline number shall*  
14 *be toll free and staffed by public health personnel who are familiar*  
15 *with the pesticide being applied. For callers complaining of*  
16 *adverse health consequences, the public health personnel shall*  
17 *enter all health complaints into a database, encourage physician*  
18 *consultation, and offer to provide a claim report form pursuant to*  
19 *Article 3 (commencing with Section 11761) of Chapter 4 of*  
20 *Division 6.*

21 *SEC. 2. Section 5776 of the Food and Agricultural Code is*  
22 *amended to read:*

23 5776. The notice distributed pursuant to this article shall contain  
24 all of the following:

25 (a) The likely date or dates and approximate time or times of  
26 all proposed pesticide applications in the eradication area.

27 (b) The pesticides to be applied.

28 (c) Any health and safety precautions that should be taken.

29 (d) A *toll-free* telephone *hotline* number and address of public  
30 health personnel who are familiar with the eradication program.  
31 *The telephone hotline number shall be for the public to report*  
32 *adverse health consequences and a medical process to evaluate*  
33 *and respond to adverse health consequences pursuant to*  
34 *subdivision (d) of Section 5265.*

35 (e) The active ingredients and inert materials of the pesticide,  
36 to the extent that the department is permitted by state and federal  
37 law to disclose them.

1     ~~SECTION 1.—It is the intent of the Legislature to enact~~  
2     ~~legislation that would address the problems associated with the~~  
3     ~~light brown apple moth.~~

O